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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,600	09/10/2001	Ludo Adriaensen	016782-0230	6512

22428 7590 06/17/2005

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

GRAY, JILL M

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/857,600

Applicant(s)

ADRIAENSEN ET AL.

Examiner

Jill M. Gray

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-24 and 26-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-24 and 32-38 is/are allowed.
- 6) ☒ Claim(s) 27-30 and 39 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The rejection of claims 20, 22, 23, 24, 32 and 34 under 35 U.S.C. 112, second paragraph, as being indefinite is moot in view of applicant's amendments.

The inadvertent omission of claim 27 from the rejection in the prior Office Action as been noted. Any inconveniences caused applicants are regretted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-30 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takazawa et al 4,774,105 (Takazawa) in view of Hiromori et al 4,791,025 (Hiromori), Kotera et al 4,340,519 (Kotera), Creps 4,358,887, Pennisi, "Hot Dip Galvanizing" and "Hardware" product sheets, wherein Creps, Pennisi and Hardware are cited to show the state of the art, all for reasons of record; further in view of Moriga, 5,677,053.

Takazawa, Hiromori, Kotera, Creps, Pennisi and "Hardware" are all as set forth previously, but do not specifically teach polyester terephthalate, polybutylene terephthalate or polyethylene naphthenate per claim 27 and 28. In this regard, the usage of polyester as a protective coating or corrosion resistant coating is well known in the art as evidenced by the cited prior art. It would have been obvious to the skilled

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artisan to use any polyester known to the art with the reasonable expectation of success of obtaining a protective corrosion resistant coating. More specifically, in the absence of factual evidence of record of superior or unexpected properties of the coated steel wire, said properties being directly related to the specific polyester, e.g. polyethylene terephthalate, this limitation is not construed to be a matter of invention. Moreover, polyethylene terephthalate is known as a protective coating. See Moriga. Hence, it would have been obvious to one of ordinary skill in the art to use a known material for its art recognized purpose. Applicant's remark regarding the number of references has been noted. Applicant's attention is directed to MPEP 2145 V.

Therefore, the combined teachings of Takazawa, Hiromori, Kotera, Creps, Pennisi, Moriga and "Hardware" would have rendered obvious the invention as claimed in present claims 26-30 and 39.

Applicant's arguments with respect to claims 26-30 and 39 have been considered but are moot in view of the new ground(s) of rejection.

Claim 31 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 20-24 and 32-38 are allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. M. Gray whose telephone number is (571) 272-1524.

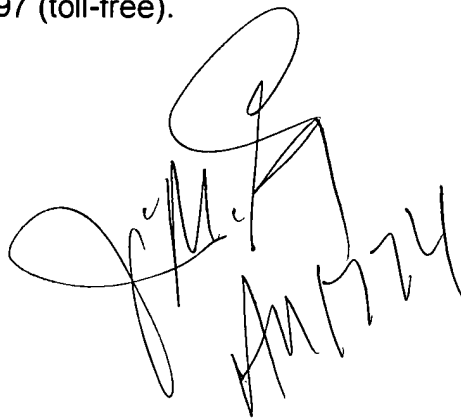
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The examiner can normally be reached on Monday-Thursday from 10:30 a.m. to 7:00 p.m. and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J.M. Gray/dh
June 1, 2005

A handwritten signature in black ink, appearing to read 'J.M. Gray', with a large, stylized flourish above the name.